

Selected Transportation Planning and Programming Language from Federal and State Statutes

Note ☆ for key provisions

23 USCS § 134 (2003)
§ 134. Metropolitan planning

“(a) General requirements.

(1) Findings.

It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

(2) Development of plans and programs.

☆ To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

(3) Contents.

The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

(4) Process of development.

The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(b) Designation of metropolitan planning organizations.

(1) In general.

☆ To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals--

(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

(B) in accordance with procedures established by applicable State or local law.

(2) Structure.

Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of--

☆ (A) local elected officials;

☆ (B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the

- metropolitan planning organization as of June 1, 1991); and
- ★ (C) appropriate State officials....”

72-1-201. Creation of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

There is created the Department of Transportation which shall:

- ★ (1) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;
- (2) provide administration for state transportation systems and programs;
- (3) implement the transportation policies of the state;
- ★ (4) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;
- (5) establish standards and procedures regarding the technical details of administration of the state transportation systems as established by statute and administrative rule;
- (6) advise the governor and the Legislature about state transportation systems needs;
- (7) coordinate with utility companies for the reasonable, efficient, and cost-effective installation, maintenance, operation, relocation, and upgrade of utilities within state highway rights-of-way; and
- (8) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make policy and rules for the administration of the department, state transportation systems, and programs.

72-1-204. Divisions enumerated -- Duties.

The divisions of the department are:

- (1) the Administrative Services Division responsible for:
- (a) all personnel management including recruiting, training, testing, developing, and assisting the transition of personnel into the department;
- (b) maintaining records;
- (c) data processing;
- (d) procuring administrative supplies and equipment; and
- (e) risk management;
- (2) the Comptroller Division responsible for:
- (a) all financial aspects of the department, including budgeting, accounting, and contracting; and
- (b) providing all material data and documentation necessary for effective fiscal planning and programming;
- (3) the Internal Audit Division responsible for:
- (a) conducting and verifying all internal audits and reviews within the department;
- (b) performing financial and compliance audits to determine the allowability and reasonableness of proposals, accounting records, and final costs of consultants, contractors, utility companies, and other entities used by the department; and
- (c) implementing audit procedures that meet or exceed generally accepted auditing standards relating to revenues, expenditures, and funding;
- (4) the Community Relations Division responsible for:
- (a) coordinating, organizing, and managing the department's public hearing process;
- (b) responding to citizens' complaints and requests;

- (c) developing and implementing the department's public information programs;
 - (d) assisting the divisions and regions in the department's citizen involvement programs;
- and
- (e) preparing and distributing internal department communications;
 - (5) the Program Development Division responsible for:
 - ★ (a) developing transportation plans for state transportation systems;
 - ★ (b) collecting, processing, and storing transportation data to support department's engineering functions;
 - (c) designating state transportation systems qualifications;
 - ★ (d) developing a statewide transportation improvement program for approval by the commission;
 - (e) providing cartographic services to the department; and
 - ★ (f) assisting local governments in participating in federal-aid transportation programs;
 - (6) the Project Development Division responsible for:
 - (a) developing statewide standards for project design and construction;
 - (b) providing support for project development in the areas of design environment, right-of-way, materials testing, structures, value engineering, and construction;
 - (c) designing specialty projects; and
 - (d) performing research into materials and methods for construction of state transportation systems; and
 - (7) the Operations Division responsible for:
 - ★ (a) maintaining the state transportation systems;
 - (b) state transportation systems safety;
 - (c) operating state ports-of-entry;
 - (d) operating state motor carrier safety programs in accordance with this title and federal law;
 - (e) aeronautical operations; and
 - (f) providing equipment for department engineering and maintenance functions.

72-1-205. Region offices -- Region directors -- Qualifications -- Responsibilities.

- (1) The department shall maintain region offices throughout the state as the executive director finds reasonable and necessary for the efficient carrying out of the duties of the department.
- (2) The executive director shall appoint a region director for each region. Each region director shall be a qualified executive with technical and administrative experience and training.
- (3) The region director is responsible for:
 - (a) executing department policy within the region;
 - ★ (b) supervising project development and operations of the state transportation systems within the region; and
 - (c) promoting the department's public involvement and information programs.
- (4) The executive director may also establish district offices within a region to implement maintenance, encroachment, safety, community involvement, and loss management functions of the region.

72-1-303. Duties of commission.

The commission has the following duties:

- ★ (1) determining priorities and funding levels of projects in the state transportation systems for each fiscal year based on project lists compiled by the department;
- (2) determining additions and deletions to state highways under Chapter 4, Designation of State Highways Act;
- ★ (3) holding public hearings and otherwise providing for public input in transportation matters;
- (4) making policies and rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section;
- (5) in accordance with Section 63-46b-12, reviewing orders issued by the executive director in adjudicative proceedings held in accordance with Title 63, Chapter 46b, Administrative Procedures Act;
- ★ (6) advising the department in state transportation systems policy; and
- (7) approving settlement agreements of condemnation cases subject to Section 63-38b-401.